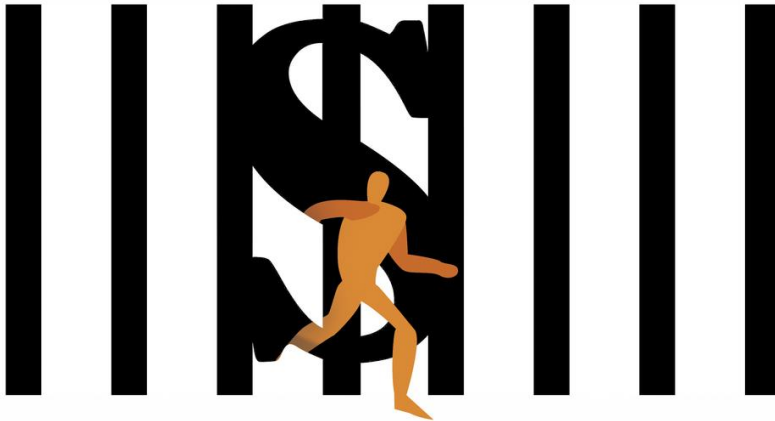


# Moral obligation to not create debtors' traps for poor defendants

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Seattle Times illustration

Tacking on exorbitant court fines and fees to the criminal conviction of a homeless woman is not justice.

By [Seattle Times editorial board](#)

The Seattle Times

A PERSON convicted of a crime owes a debt to society and restitution to the victim. But when judges tack exorbitant fines and fees, that debt can turn into a virtual ball and chain to an impoverished defendant's credit report.

In a recent unanimous ruling, the [state Supreme Court](#) rightly upended this practice. The case involved a woman named Briana Wakefield, who carried \$1,345 in discretionary fines — those imposed by a judge that were not required — from three low-level misdemeanor offenses in Richland. The fines were not restitution either.

She was homeless, living on a \$710-a-month permanent-disability check and has a serious mental illness. When she appealed in 2013, Wakefield was so broke she “can’t even meet her basic needs at a bare-bones level,” according to an expert witness in the case.

The judge had no sympathy, even though state law requires consideration of “manifest hardship” in a defendant's ability to pay court fines. The Supreme Court disagreed and set a firm precedent that judges must consider an indigent defendant's ability to pay.

It was a good ruling because counties are tacking on discretionary court fines and fees to pay for their judicial systems, despite the fact that a vast majority of defendants are indigent.

King County is an exception, because judges recognize that these fines are, in effect, a tax on the poor. But Benton County — where Wakefield's case originated — only recently stopped routinely jailing defendants who couldn't pay, and did so only after being sued by the [American Civil Liberties Union of Washington](#).

Washington's court fines also carry one of the nation's highest interest rates — 12 percent plus a \$100 annual service charge. University of Washington professor Alexes Harris found there are at least 500,000 legal-financial-obligation cases statewide with average bills of \$1,300 — not including restitution. They are routinely not collected, even though counties hire debt collectors to chase down defendants.

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The Supreme Court, in a previous case, noted that "a person who pays \$25 per month toward their (court fines) will owe the State more 10 years after conviction than they did when ... initially assessed."

A new \$500,000 federal grant will help pay for a fee calculator that should help Washington judges determine a defendant's real ability to pay. The Legislature also has a moral obligation to reconsider this modern day debtor's trap and ensure counties have other means to fund their courts than by effectively taxing the poor.

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